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# LATHAM & WATKINS LLP

August 5, 2024

VIA ECF

The Honorable Paul A. Engelmayer  
 United States District Court Judge  
 Southern District of New York  
 Thurgood Marshall United States Courthouse  
 40 Foley Square  
 New York, NY 10007

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Re: *SEC v. SolarWinds Corp., et al.*, 23-cv-09518-PAE-BCM

Dear Judge Engelmayer:

Plaintiff Securities and Exchange Commission (“SEC”) and Defendants SolarWinds Corp. (“SolarWinds”) and Timothy G. Brown (collectively, “Defendants”) respectfully write to address the Court’s July 19, 2024 Order scheduling an initial pretrial conference for August 14, 2024 (ECF No. 126).

Counsel for Defendants have an immovable conflict on August 14, 2024 due to a trial in another matter, and request adjournment of the status hearing scheduled for that day. Counsel for both parties could be available telephonically on August 12, 2024.

In addition, the Order directs the parties to (1) confer with each other prior to the conference regarding settlement and each of the other subjects to be considered at a Federal Rule of Civil Procedure 16 Conference; (2) prepare a Civil Case Management Plan and Scheduling Order; and (3) prepare a joint letter providing a description of the case, any contemplated motions, and the prospect for settlement.

The parties note that a Civil Case Management Plan and Scheduling Order was previously entered in this matter on December 19, 2023 (ECF No. 36). In addition, the parties submitted on December 11, 2023 a joint letter addressing the requested topics (ECF No. 26). With respect to the current prospect for settlement, the parties note that, following the Court’s July 18, 2024 ruling on Defendants’ Motion to Dismiss the Amended Complaint, the parties have discussed pursuing settlement discussions.

The parties would appreciate clarification from the Court as to whether there are any additional materials the Court would like them to submit.

**LATHAM & WATKINS LLP**

Respectfully submitted,

/s/ Christopher M. Bruckmann (with consent)<sup>1</sup>

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cc: All Counsel of Record (via ECF)

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<sup>1</sup> This electronic signature is used with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.